



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **07267-20 L.J.**

AGENCY DKT. NO. **C168114003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had the capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 5, 2020, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 8, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had moved to New Jersey ("NJ") from another state without a plan for permanent housing, and that he had the capacity to plan to avoid his homelessness by saving money for housing, but failed to do so. See Initial Decision at 2-3; see also R-1 at Exhibits 3, 4. Of note, the record indicates that since arriving in NJ on June 17, 2020, Petitioner has been spending \$1,400 a month for motel rooms. See Initial Decision at 2-3. The ALJ also found that Petitioner had not provided convincing testimony, or evidence, to substantiate his claim that his emergency situation was not the result of his failure to plan. *Id.* at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 3-4; see also R-1 at Exhibit 4, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby **ADOPT** the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that the six-month EA ineligibility penalty shall run from July 9, 2020, the effective date of the Agency's denial, through January 9, 2021. See Initial Decision at 4; see also R-1 at Exhibit 4.

